

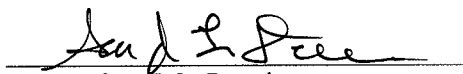
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.  
Serial No.: 10/789,536  
Confirmation No.: 9640  
Filed: February 26, 2004  
For: IMMUNOMODULATORY OLIGONUCLEOTIDES  
Examiner: Nita M. Minnifield  
Art Unit: 1645

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**CERTIFICATE OF ELECTRONIC FILING UNDER 37 C.F.R. § 1.8**

The undersigned hereby certifies that this paper, along with any paper referred to as being attached or enclosed, is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4), on the 14th day of September, 2010.

  
Sara J. L. Douglas

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**MAIL STOP RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. § 1.97**

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114.

No fee or certification is required.

**PART II: Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
09/316,199	05-21-1999	McCluskie et al.	*C1040.70006US00
09/337,584	06-21-1999	Krieg et al.	*C1039.70020US00
12/600,364	11-16-2009	Uhlmann et al.	*C1037.70068US01
12/600,368	11-16-2009	Uhlmann et al.	*C1041.70054US01
12/718,267	03-05-2010	Davis et al.	*C1039.70025US01
12/681,800	04-06-2010	Uhlmann et al.	*C1041.70055US01
12/835,000	07-13-2010	Hartmann et al.	*C1039.70044US03

\*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

The Applicant would like to bring to the Examiner's attention the following other information:

**Office Communication mailed 02/25/2008 for Application No. 10/877,407 (C1039.70048US05)**

**Office Communication mailed 10/20/2008 for Application No. 10/877,407 (C1039.70048US05)**

**Office Communication mailed 02/22/2008 for Application No. 11/128,127 (C1039.70083US12)**

**Office Communication mailed 12/01/2008 for Application No. 11/128,127 (C1039.70083US12)**

**Office Communication mailed 06/23/2009 for Application No. 11/128,127 (C1039.70083US12)**

**Office Communication mailed 01/15/2010 for Application No. 11/128,127 (C1039.70083US12)**

**Office Communication mailed 07/19/2010 for Application No. 11/128,127 (C1039.70083US12)**

**Office Communication mailed 11/15/2007 for Application No. 11/127,797 (C1039.70083US13)**

**Office Communication mailed 06/30/2008 for Application No. 11/127,797 (C1039.70083US13)**

**Office Communication mailed 12/31/2008 for Application No. 11/127,797 (C1039.70083US13)**

**Office Communication mailed 07/20/2009 for Application No. 11/127,797 (C1039.70083US13)**

**Office Communication mailed 11/15/2007 for Application No. 11/127,803 (C1039.70083US14)**

**Office Communication mailed 06/11/2008 for Application No. 11/127,803 (C1039.70083US14)**

**Office Communication mailed 12/23/2008 for Application No. 11/127,803 (C1039.70083US14)**

**Office Communication mailed 07/17/2009 for Application No. 11/127,803 (C1039.70083US14)**

**PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited**

The instant patent application derives priority from US 6,194,388 B1, which is a priority application for US 6,207,646 B1, which is a priority application for US patent application 09/337,584 with claims directed to the treatment of asthma. US 09/337,584 was involved in two Interferences (No. 105,526 and 105,674). In view of the priority, copies of papers filed with respect to these Interferences were previously submitted in Serial No. 10/690,495, filed October 21, 2003, to which the instant application derives priority, and cited in the Information Disclosure Statement filed for the present application on October 26, 2007. Submitted herewith are additional papers filed with respect to these Interferences. If the Examiner would like any additional information on this subject, she is encouraged to contact Applicant's representative at the number listed below.

**PART IV: Remarks**

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. § 102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

The Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825 under Docket No. C1039.70083US05 from which the undersigned is authorized to draw.

Respectfully submitted,

By:



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Docket No.: C1039.70083US05  
Date: September 14, 2010  
**xNDDx**